

## UNITED STATES DISTRICT COURT

for the  
Eastern District of North Carolina

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)

A 1995 HONDA ACCORD, VIN: 1HGCD7267SA038657,  
TITLE NO: 772738120043147

Case No. 4:13-MJ-1082

FILED  
OCT 31 2013  
JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, EDNC  
BY JAA DEP CLK

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):  
1995 HONDA ACCORD, VIN: 1HGCD7267SA038657, TITLE NO: 772738120043147, last seen at 5035#A Deveron St., Greenville, NC

located in the Eastern District of North Carolina, there is now concealed (identify the person or describe the property to be seized):

The vehicle itself, which this warrant seeks authorization to make entry into and extensively photograph the exterior and interior, including the driver's side door pocket and interior of the vehicle but excluding the trunk, glove box, and any other interior compartments.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 922(g)	Possession of a Firearm by a Felon

The application is based on these facts:

See attached affidavit

- ☐ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
Applicant's signature

ATF Task Force Officer Donald D. Manley  
Printed name and title

Sworn to before me and signed in my presence.

Date:

10/31/13

  
Judge's signature

City and state: Greenville, North Carolina

Honorable Kimberly A. Swank, U.S. Magistrate Judge  
Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

IN THE MATTER OF THE  
PHOTOGRAPHIC SEARCH OF A 1995  
HONDA ACCORD, VIN:  
1HGCD7267SA038657, TITLE NO:  
772738120043147

Case No. 4:13-MJ-1082

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Donald D. Manley, a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco and Firearms (ATF), United States Department of Justice, being first duly sworn, depose and state under oath as follows:

**BACKGROUND AND OVERVIEW**

1. I make this affidavit in support of an application for a search warrant to take interior and exterior photographs of a 1995 Honda Accord, Vehicle Identification Number 1HGCD7267SA038657, Title Number 772738120043147.

2. I, Donald D. Manley ("Affiant") am a Task Force Officer with the Bureau of Alcohol, Tobacco and Firearms (ATF). Affiant is an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7). Affiant is currently assigned as a Task Force Officer with the ATF, Charlotte Field Division, Raleigh Field Office, and have been so assigned since July 2010. Affiant has been employed with the Greenville Police Department since August 4, 2003 as a sworn law enforcement officer. Affiant has participated in investigations of criminal violations of the federal narcotics and money laundering laws, including, but not limited to, Title 21, United States Code, Sections 841, 843, 846, 848, 952, 960, 963 and Title 18, United States Code, Sections 922(g), 924, 1956, 1957,

and 371. Affiant has received special training in the enforcement of laws concerning controlled substances as found in Title 21 of the United States Code.

3. The facts in this affidavit come from affiant's personal observations, training, experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on affiant's training, experience, and the facts as set forth in this affidavit, there is probable cause to search the 1995 Honda Accord, Vehicle Identification Number 1HGCD7267SA038657, Title Number 772738120043147 for evidence of violation of 18 U.S.C. § 922(g) ("the vehicle"), possession of a firearm by a felon.

5. This search warrant application seeks to photograph the exterior and interior of the vehicle, including the driver's side door pocket and interior of the vehicle but excluding the trunk, glove box, and any other interior compartments.

6. Antonio Demontinez Wooten was indicted under 18 U.S.C. § 922(g) on January 3, 2013 for the conduct described herein. *United States v. Antonio Demontinez Wooten*, 4:13-CR-00001-1FL(1). His case is scheduled for trial on November 13, 2013. The photographs sought would be for potential use as evidence at that trial.

#### PROBABLE CAUSE

7. On March 11, 2012, Greenville Police Department Officers D. Warren and C. Espinoza conducted a traffic stop on a 1995 Honda Accord registered in the name of Antonio Demontinez Wooten and later identified as having Vehicle Identification Number 1HGCD7267SA038657 and Title Number 772738120043147. Officer Warren approached the vehicle on the passenger side, as Officer Espinoza contacted the driver. Officer Warren

recognized the driver's side, rear passenger as Antonio WOOTEN. He had previously received information that WOOTEN was a crack cocaine dealer who sells crack cocaine out of a Honda Accord registered in his name. Officer Warren also observed the driver and another passenger in the front right seat of the vehicle.

8. Officer Warren scanned the passenger area of the vehicle, and immediately noticed a large chrome revolver with wood grips on the floorboard beside WOOTEN'S foot. WOOTEN'S hand was down by his right leg, approximately three (3) to five (5) inches from the weapon. Officer Warren yelled "gun" to signal to Officer Espinoza that there was a firearm within reach of the occupants.

9. Officers Warren and Espinoza drew their weapons and ordered all occupants of the vehicle to reach toward the ceiling of the car with their hands. WOOTEN initially did not comply with his loud verbal command to touch the ceiling of the vehicle. Officer Warren stated he yelled loudly at WOOTEN that he saw the weapon by WOOTEN's foot, and he would interpret any sudden movement as a lethal threat. WOOTEN slowly complied with his commands and raised his hands. Officer Espinoza removed WOOTEN from the vehicle first and then secured the weapon, which was Sturm, Ruger & Co model Blackhawk revolver; serial number 87-39226 loaded with six (6) rounds of Remington .44 Magnum ammunition. The remaining occupants were removed thereafter.

10. Officer Warren began to search the vehicle and located a clear plastic bag containing approximately 18 grams of crack cocaine in the driver's door pocket. After securing same, Officer Warren continued his search of the vehicle but located no further contraband.

11. Neither affiant nor the Greenville Police Department photographed the exterior or interior of the vehicle prior to returning the vehicle.

12. WOOTEN was transported and processed at the Pitt County Detention Center. While completing paperwork, Officer Warren stated he allowed WOOTEN to use his phone to speak to a person WOOTEN described as his wife. Based on later communications, this person is believed to have been Renada Shannette Gay. According to Officer Warren, it was apparent WOOTEN and Ms. Gay were arguing, although he could not completely hear what she was saying on the other end of the telephone. Officer Warren stated he heard WOOTEN make several statements to her such as, "Do you think I really need this shit right now? I just got caught with a gun. You know I can't have no gun, I'm going to prison." As the conversation continued, Officer Warren stated he heard WOOTEN state, "Don't give me a hard time over this shit. It's gonna be hard enough with the drugs they found, let alone my gun. I'm looking at decent time."

13. Interior and exterior photographs of the vehicle would be useful in understanding the location of the occupants, the crack cocaine, and the gun relating to the incident on March 11, 2012. While the occupants, the crack cocaine, and the gun are no longer in the vehicle, photographs of the vehicle will be helpful to officers, the Court, and jurors in understanding where those items were and the proximity between them.

14. Affiant observed Wooten operate the Honda at the time of his arrest in January, 2013.

15. Affiant observed the vehicle parked in the driveway of 5035 #A Deveron St., Greenville, NC on October 28, 2013, the residence of Ms. Gay.

16. This warrant application seeks authorization to make entry into and extensively photograph the exterior and interior of the vehicle, including the driver's side door pocket and interior of the vehicle but excluding the trunk, glove box, and any other interior compartments.

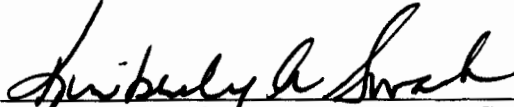
Respectfully submitted,



Donald D. Manley  
Task Force Officer  
Bureau of Alcohol, Tobacco and Firearms  
Charlotte Division/Raleigh Field Office

Subscribed and sworn to before me

On this 31st day of October, 2013.



THE HONORABLE KIMBERLY A. SWANK  
UNITED STATES MAGISTRATE JUDGE